UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

LAKE ERIE FROZEN FOODS MANUFACTURING COMPANY

CASE NO. 1:11-CV-01329

Plaintiff,

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v. : ORDER

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CITIGROUP, INC., et al.,

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Defendants.

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Citigroup, Inc. and its related companies, Defendants in this credit card billing dispute, have moved to stay this lawsuit and compel arbitration of Plaintiff Lake Erie Frozen Foods Manufacturing Company's ("Lake Erie's") claims. [Doc. 7.] Those claims relate to two credit card accounts issued by the Defendants—one associated with Staples, the other associated with Office Depot. The cardholder agreements for both accounts contain arbitration provisions.

Lake Erie agrees that the Staples cardholder agreement was "legitimately executed . . . and therefore . . . should be enforced." [Doc. 14, at 2.] It disputes, however, that the Office Depot cardholder agreement was agreed upon by both parties. Accordingly, the Court grants in part the Defendants' motion to compel arbitration. The claims relating to the Staples account must go to arbitration. The Court reserves judgment on the remainder of the Defendants' motion. The Court will revisit Citigroup's motion to compel arbitration on the Office Depot credit card account after the parties have had opportunity to conduct discovery on whether Plaintiff clothed its employee with apparent authority to enter the agreement containing the arbitration provision or whether Plaintiff

Case No. 1:11-CV-01329 Gwin, J.

ratified the agreement.

IT IS SO ORDERED.

Dated: September 22, 2011 s/ James S. Gwin

JAMES S. GWIN UNITED STATES DISTRICT JUDGE